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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,439	07/09/2003	David E. Pitcher	ROSE-18	9158
7590	07/11/2005		EXAMINER	
Donald N. Halgren 35 Central Street Manchester, MA 01944			NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/616,439

**Applicant(s)**

PITCHER ET AL.

**Examiner**

Chi Q. Nguyen

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: attachment.

### **DETAILED ACTION**

This Office action is in response to the applicant's application filed on 7/9/03.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121.

I. Claims 1-5, drawn to an elongated poster support arrangement, classified in class 40, subclass 611.2.

II. Claims 6-9, drawn to poster attachment tool, classified in class 248.

III. Claims 10-20, drawn to method of engaging an elongated magnetic extrusion, classified in class 29, subclass 428.

The inventions are distinct, each from the other because of the following reasons:

The inventions I, and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP & 806.04, MPEP & 808.01). In the instant case the different inventions. The apparatus invention could be operated without a need of a lift tool such as by ladder.

The inventions I and III are related as product and process of use. The invention can be shown to be distinct if either or both of the following can be shown:

(1) that the process for using the product as claimed can be practiced with another materially different product or

(2) that the product as claimed can be used in a materially different process of using that product (MPEP & 806 (h)).

For instant case, the product as claimed could be used in a materially different process of using that product, for example, a process in which the poster support is raised by hand.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

A telephone call was made on 6/30/05 to Mr. Donald Halgren request an oral election, and the election was made to group I (claims 1-5) without traverse.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show flange 28 in figure 1 as described in the specification on page 13. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: on page 14, line 16, a phrase "et seq." is not understood?.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: no explanation for structural element 46 in figure 2.

Appropriate correction is required.

### ***Claim Objections***

Claims 1-5 are objected to because the claims are drawn to a subcombination of an elongated poster support and not positively combined with a lift tool (see above restrictions). Therefore the limitations of the lift tool are not being considered and not given any patentable weight.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Barry (US 5,251,766).

In regard claim 1, Barry teaches a holder for sheet material comprising an elongated extrusion 10 having an uppermost wall U (see attachment of figure 1), a sidewall 12, said sidewall extending from said uppermost wall; a central support wall 11 arranged adjacent said sidewall to define a longitudinal chamber C (see attachment of figure 2) between said sidewall and said central support wall, wherein said longitudinal chamber has a slot S on a lower side thereof.

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In regard claim 2, Barry teaches the claimed invention as stated wherein said sidewall 12 has a distal edge flange 13.

In regard claims 3-5, Barry teaches the claimed invention as stated except for the structures of a lift tool. However, as stated above the lift tool structural limitations are not being considered and not given any patentable weight (see above restrictions).


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ancona, Jio, Davis, Durham, Reimels, Andersen, and Herrmann teach hanger structures.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

7/1/05  
  
CQN

  
PRIMARY EXAMINER

7/5/05

